



COTTAGE FOOD PRODUCTS AND BUSINESSES

Center for Facility and Process Review

Office of Food Protection

Prevention and Health Promotion Administration

January 27, 2020

MISSION AND VISION

MISSION

The mission of the Prevention and Health Promotion Administration is to protect, promote and improve the health and well-being of all Marylanders and their families through provision of public health leadership and through community-based public health efforts in partnership with local health departments, providers, community based organizations, and public and private sector agencies, giving special attention to at-risk and vulnerable populations.

VISION

The Prevention and Health Promotion Administration envisions a future in which all Marylanders and their families enjoy optimal health and well-being.

Overview

- Cottage food businesses and cottage food products
- Product labeling
- Cottage foods sold at retail - selling to a retail food store
- Growing your business
- Frequently Asked Questions
- Q&As

What is it?

Cottage Food Business

- Home-based business where certain allowable foods can be produced or packaged, stored, and sold
- Residential kitchen in Maryland
- Not licensed
- Not inspected

What is it?

Cottage Food Business

- Annual revenues not exceeding \$25,000
- Must comply with local laws and ordinances
- Allow local health department access for complaint or foodborne illness investigations

What is it?

Cottage Food Products

- Non-potentially hazardous foods
- Directly to a consumer from a residence, at a farmer's market, at a public event, by personal delivery, or by mail delivery; to a retail food store*
- Not offered for sale through interstate commerce

*Chapter 370, Acts of 2019, Effective October 1, 2019

What is it?

Potentially Hazardous Food (PHF)

Foods that have increased potential for causing illness, based on handling, time/temperature

- Raw or heat-treated food of animal origin;
- Heat treated food of plant origin;
- Raw seed sprouts;
- Cut melons;
- Cut raw tomatoes;
- Garlic and oil mixtures; and
- Cut leafy greens

What is it?

Non-Potentially Hazardous Food

Potentially hazardous foods do not include:

- Foods with a water activity of 0.85 or less;
- Foods with a pH level of 4.6 or below when measured at 75°F;

What is it?

Common pH Values of Foods

Banana -- 4.50 – 5.20

Apples -- 3.30 – 4.00

Oranges -- 3.69 – 4.34

Peaches -- 3.30 – 4.05

Carrots -- 5.88 – 6.40

Green Peppers -- 5.20 – 5.93

Pumpkin -- 4.99 – 5.50

Sweet potatoes -- 5.30 – 5.60

**Non-potentially
hazardous -- target pH
value 4.6 or less**

What is it?

Common Water Activity (a_w) Values

Jams and jellies -- 0.8

Dried fruit -- 0.6

Cookies -- 0.3

Fresh meat and fish --
0.99

**Non-potentially
hazardous target –
Water activity (a_w)
value of .85 or less**

Allowable Food Products

- Breads, cookies and pastries without potentially hazardous topping or fillings:
 - Pies, turnovers, and fruit tarts from fruits with a natural pH of 4.6 or less
 - Baked bread, biscuits, tortillas and muffins
 - Cakes and cupcakes
- Hot-filled canned acid foods:
 - Fruit jelly, jam and preserves from the fruits with a natural pH of 4.6 or less
 - Fruit butters from apple, apricot, grape, peach, plum, prune, quince

What is it?

Allowable Food Products

- Fruit leathers from fruits with a natural pH of 4.6 or less;
- Snacks such as popcorn/kettle corn, popcorn balls, nuts and cotton candy;
- Repackaging of commercially-processed dry ingredients (i.e., spice and seasoning blends, tea blends)

What is it?

Allowable Food Products

- Cereals, trail mixes and granola;
- Chocolate confections made from commercially manufactured chocolate (e.g., chocolate covered pretzels);

What is it?

Allowable Food Products

- Candy such as lollipops, gummy bears, brittles, toffee;
- Raw unflavored honey (raw agricultural product); and
- Whole roasted coffee beans

Not Allowed as Cottage Food

Examples of foods not allowed to be sold as a cottage food:

- Baked goods requiring any type of refrigeration
- Raw cookie and pizza doughs
- Fresh pasta
- Pumpkin or nut butters
- Barbeque sauces, ketchups and/or mustards
- Candy or chocolate-covered fresh fruits
- Food products made from cut fresh fruits or vegetables

Not Allowed as Cottage Food

Examples of foods not allowed to be sold as a cottage food (*continued*):

- Acidified/pickled food products – example, barbeque sauce, pickled beets, pepper jelly
- Food products made with cooked vegetables — including potato chips
- Dehydrating herbs and vegetables
- Ground coffee

What is it?

Not Allowed as Cottage Food

Examples of foods not allowed to be sold as a cottage food (*continued*):

- Fresh, dried or dehydrated meat or poultry products
- Fish or shellfish products
- Milk and dairy products, including hard, soft and cottage cheeses and yogurt

Icings

- Buttercreams and other icings made with potentially hazardous ingredients (butter, milk, eggs, etc.) - not allowed
- Royal icings made with meringue powder (if made with egg whites) - not allowed.
- Icings made with non-potentially hazardous ingredients - allowed

Labeling Requirements

What is required?

Label Requirements

State and Federal labeling requirements:

21 CFR 101; Health-General Article, §21-330.1

COMAR 10.15.03.12; COMAR 10.15.03.27

- Primary means to allow customers to make informed decisions about food selections and food ingredients
- Allows for product traceability

What is required?

Federal Labeling Requirements

- Federal Food, Drug, and Cosmetic Act (Section 403 – Misbranded Food)
- Fair Packaging and Labeling Act (FPLA)
- Nutrition Labeling and Education Act (NLEA)
- Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA)

What is required?

Summary of Label Requirements

	Code of Federal Regulations (CFR) 21 CFR 101	Maryland State Law (Health-General §21–330.1)	Code of Maryland Regulations (COMAR) 10.15.03.27
Identity of food	X	X	X
Ingredient statement	X	X	X
Amount of food in package	X	X	X
Name and place of business	X	X	X
Nutrition information (unless exempt)	X	X	X
Allergen declaration	Food Allergen Labeling and Consumer Protection Act of 2004	X	X
Cottage Food Statement, email address, phone number, date made*		X	X

** Email, phone, and date made only required for cottage foods sold to retail stores.*

What's in a Label?

- Common name of the food or a descriptive identity statement;
- If made from two or more ingredients:
 - A list of ingredients (and sub-ingredients) in descending order of prominence by weight; and
 - A declaration of artificial color or flavor and chemical preservatives;
- An accurate declaration of the quantity of the package contents by weight in both metric and English units;

What is required?

What's in a Label?

- Name and place of business (cottage food business) of the manufacturer, packer, or distributor;
- If any nutritional claim is made, nutritional information as specified by federal labeling requirements; and
- Name of the food source for each **major food allergen** that is contained in the food unless the food source is already part of the common or usual name of the respective ingredient;

What is required?

What's in a Label?

"Major food allergen":

- Milk;
- Egg;
- Fish such as bass, flounder, or cod;
- Crustacea such as crab, lobster, or shrimp;
- Tree nuts such as almonds, pecans, or walnuts;
- Wheat;
- Peanuts;
- Soybeans; and
- A food ingredient that contains protein derived from milk, egg, fish, tree nuts, wheat, peanuts, or soybeans.

What is required?

What's in a Label?

Specific for cottage foods -

Statement - “Made by a cottage food business that is not subject to Maryland’s food safety regulations.”

- printed in 10 point or larger type
- in a color that provides a clear contrast to the background of the label

For a cottage food product offered for sale at a retail food store

- phone number and e-mail address of the cottage food business
- date the cottage food product was made

What is required?

Sample Label

- Common name of food
- Name and address of business
- Ingredients
(with sub-ingredients)
- Major food allergens
- Weight
- Required statement
(10 point font)

Chocolate Chip Cookies
Delicious Desserts
Any Street
Any City, MD
Any Zip

Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy lecithin, walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.
Contains: Wheat, eggs, milk, soy, walnuts

Net Wt. 3 oz. (85 g)

“Made by a cottage food business that is not subject to Maryland’s food safety regulations.”

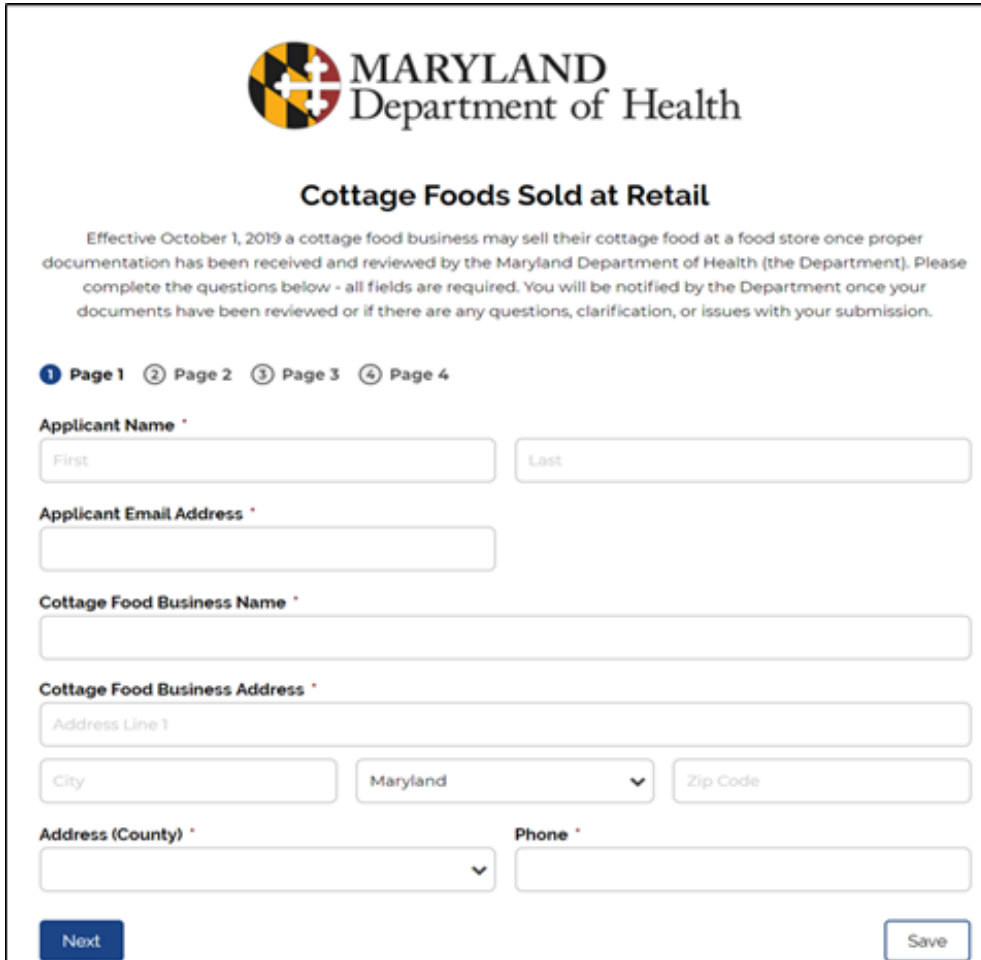
Submission and Review Process

Cottage Foods at Retail


Required Items

- List of foods
- Copy of labels - (including email address, phone number, date made, etc.)
- Documentation of successful completion of a food safety course* approved by the Department (American National Standards Institute)

Cottage Foods Sold at Retail



The screenshot shows the Maryland Department of Health's online registration form for cottage food businesses. The form is titled 'Cottage Foods Sold at Retail' and includes a sub-header explaining that, effective October 1, 2019, cottage food businesses can sell their products at food stores after proper documentation is reviewed by the Department. The form is divided into four pages, with the first page being the current view. The fields on this page include: Applicant Name (First and Last), Applicant Email Address, Cottage Food Business Name, Cottage Food Business Address (Address Line 1, City, State dropdown set to Maryland, and Zip Code), Address (County) dropdown, and Phone. Navigation buttons for 'Next' and 'Save' are at the bottom.

 **MARYLAND**
Department of Health

Cottage Foods Sold at Retail

Effective October 1, 2019 a cottage food business may sell their cottage food at a food store once proper documentation has been received and reviewed by the Maryland Department of Health (the Department). Please complete the questions below - all fields are required. You will be notified by the Department once your documents have been reviewed or if there are any questions, clarification, or issues with your submission.

1 Page 1 2 Page 2 3 Page 3 4 Page 4

Applicant Name *

First Last

Applicant Email Address *

Cottage Food Business Name *

Cottage Food Business Address *

Address Line 1


City Maryland Zip Code

Address (County) * **Phone ***

Next Save

- Applicant name and email address
- Cottage food business name and address
- County of residence and phone number

Cottage Foods Sold at Retail

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Department of Health

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① Page 1 ② **Page 2** ③ Page 3 ④ Page 4

Safe Food Handling Course

Course must have been ANSI approved and taken within the last three years. Course is only valid for three years from the date taken. If the certification was obtained two years ago, it will only be recognized as valid for one year after submitting it to the Department. After three years from the initial completion of the course, you must re-submit your proof of training to the Department.

Certification Issued By * Date Obtained *

Certificate of Completion

Please upload a PDF of your certification obtained from an ANSI accredited food safety course. If you are a certified food manager and have certification from a Maryland local health department, you may upload a PDF or image of your credentials issued by the local health department. *

or drag files here.

Documentation of successful completion of a food safety course* approved by the Department

*ANSI approved

Cottage Foods Sold at Retail



Cottage Foods Sold at Retail

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Food Product

A cottage food product is a non-potentially hazardous food as specified in COMAR 10.15.03.27C. Please review the [Cottage Food Guidelines](#) on the Maryland Department of Health's Office of Food Protection [Cottage Food Businesses](#) webpage for specific types of approved cottage foods.

Please select **all** food items you offer for sale as a cottage food business.


Type of Cottage Food *

- ☐ Bread
- ☐ Brownies
- ☐ Hard Candy
- ☐ Cookies
- ☐ Cupcakes/Cakes
- ☐ Dried Teas
- ☐ Fruit Butter
- ☐ Fruit Leathers
- ☐ Jams/Jellies/Preserves
- ☐ Pie (without potentially hazardous toppings or fillings)

- List of cottage foods to be sold to retail food store
- Label for all listed foods (complies with all label requirements)



Cottage Foods Sold at Retail

 **MARYLAND**
Department of Health

Cottage Foods Sold at Retail

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Retail Food Store - Location

DO NOT indicate a Farmer's Market, Special Events or your home.

Where will your cottage food product(s) be sold?

Please indicate name and full address of licensed food store (including street address, city, state and zip code) where your product(s) will be sold. *

Back

Submit

Save

4 / 4

Name and address where products will be sold

Review Process

- List of foods
- Label requirements – name, address, phone number, email, date made, required statement, etc.
- Ingredient and sub-ingredient list
- Certification for food safety course
- Retail food store – qualifying facility

Review Process

Email response to cottage food business:

- Comment letter stating business has met the requirements of the law to sell to a retail food store, or
- More information is needed

Common Issues

- Proposal includes foods not allowed under the regulations, e.g. foods containing fruits with a pH of > 4.6 - pumpkin, cooked vegetables, etc.
- Incomplete ingredient list, e.g. sub-ingredients not listed
- Missing weight
- Missing email address

Common Issues

- Incomplete business address
- Missing “date made” (not providing space for production date)
- Missing or incorrect statement
Required -- “Made by a cottage food business that is not subject to Maryland’s food safety regulations.”
- Selling to facilities not considered retail food stores

Getting it Right

- Review website, Guidelines for Cottage Food Businesses, FAQs
- Verify label components
- Include all required submission items
 - All labels – front and back
 - Food safety course certification
- Call or email Department if you have questions about comment letter or submission requirements

Growing Your Business

Commercial kitchen

- Shared kitchen space - incubator kitchen, food hub
- Licensed restaurant or retail kitchen
- Commercial kitchen space - individual
- Copacker - processed, packaged, labeled by licensed food manufacturer

Licensing

- Retail - local health department
- Processing - Maryland Department of Health

FAQs

FAQ - Allowable Foods

Question:

Why are some products not allowed to be made and sold by a cottage food business?

Answer:

The allowable products list is based on the food safety risk level associated with certain types of food. People who operate a licensed and inspected food processing business have to meet certain requirements for training, food safety and handling. Since cottage food businesses are uninspected, it is necessary to limit food products allowed under the law to those that are considered low risk, or non-potentially hazardous.

FAQ - Allowable Foods

Question:

My buttercream and cream cheese icing recipes includes butter, milk, and sugar. I heard that buttercream and cream cheese icings made from milk and butter are not allowed under the cottage food law. Can I make my these icings and add them to my cupcakes and cakes?

Answer:

Buttercream and cream cheese icing recipes vary and are *not* proven to be shelf stable. You may elect to have a sample of your icing tested for pH and water activity by a food testing laboratory.

If your recipe does not contain perishable ingredients, it may be allowed.

FAQ - Labeling

Question:

Do I need to include my home address on the food label?

Answer:

Per State and Federal law and State regulations, the name and address of the business is required to be included on the packaged food label.

References: Federal -- 21 CFR 101.5; State -- Article-Health-General 21-330.1; COMAR 10.15.03.27

FAQ - Licensing

Question:

What do I need to do to get a cottage food license?
Do I need to register, or get my home kitchen qualified?

Answer:

Cottage food businesses are not licensed. If you have questions about cottage food laws and regulations, contact the Office of Food Protection.

FAQ - Sales

Question:

Can I ship my cookies? Can I ship them to someone in another state?

Answer:

Shipping is allowed, but only if it is to someone in Maryland. Cottage food businesses cannot ship to other states.

Additional Resources

MDH Cottage Food Business webpage

<https://phpa.health.maryland.gov/OEHFP/OFPCHS/Pages/CottageFoods.aspx>

- Guidelines for Cottage Food Businesses
- Cottage Foods Sold at Retail intake form
- Frequently Asked Questions (FAQs)

MDH Center for Facility and Process Review webpage

<https://phpa.health.maryland.gov/OEHFP/OFPCHS/Pages/plan-review.aspx>

FDA Labeling Guide

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

Contact

Environmental Health Bureau

Email mdh.envhealth@maryland.gov with
“Cottage Foods” in the subject line



Maryland

DEPARTMENT OF HEALTH

Prevention and Health Promotion Administration

<https://phpa.health.Maryland.gov>